

1                                   A bill to be entitled  
 2           An act relating to personal identification information  
 3           theft; amending s. 817.568, F.S.; providing it is  
 4           unlawful for any person to willfully and without  
 5           authorization fraudulently use personal identification  
 6           information concerning specified individuals without  
 7           their consent; providing criminal penalties; creating  
 8           s. 817.5686, F.S.; creating a surcharge for the  
 9           criminal use of personal identification information;  
 10          allocating the surcharge; providing legislative  
 11          findings; creating the Identity Theft and Fraud Task  
 12          Force within the Department of Law Enforcement;  
 13          requiring the task force to organize by a specified  
 14          date; providing for meetings; specifying the duties of  
 15          the task force; providing rulemaking authority;  
 16          requiring a report to the Governor and the  
 17          Legislature; providing an effective date.

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 19 Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Subsections (11) and (12) of section 817.568,  
 22 Florida Statutes, are amended to read:

23           817.568 Criminal use of personal identification  
 24 information.—

25           (11) Any person who willfully and without authorization  
 26 fraudulently uses personal identification information concerning

27 an individual who is 60 years of age or older; a disabled adult  
 28 as defined in s. 825.101(4); a public servant as defined in s.  
 29 838.014; a veteran as defined in s. 1.01(14); a first responder  
 30 as defined in s. 125.01045(2); an individual who is employed by  
 31 the State of Florida; or an individual who is employed by the  
 32 U.S. Government without first obtaining the consent of that  
 33 individual commits a felony of the second degree, punishable as  
 34 provided in s. 775.082, s. 775.083, or s. 775.084.

35 (12) In addition to any sanction imposed when a person  
 36 pleads guilty or nolo contendere to, or is found guilty,  
 37 regardless of adjudication, to a violation of this section, the  
 38 court shall impose a surcharge of \$151. Payment of the surcharge  
 39 shall be a condition of probation, community control, or any  
 40 other court-ordered supervision. The sum of \$75 of the surcharge  
 41 shall be deposited into the Department of Law Enforcement  
 42 Operating Trust Fund for the department to provide grants to  
 43 local law enforcement agencies in Palm Beach, Broward, and  
 44 Miami-Dade counties to investigate the criminal use of personal  
 45 identification information. The sum of \$75 of the surcharge  
 46 shall be deposited into the State Attorneys Revenue Trust Fund  
 47 for the purpose of funding prosecutions of offenses relating to  
 48 the criminal use of personal identification information in the  
 49 Eleventh Circuit, the Fifteenth Circuit, and the Sixteenth  
 50 Circuit. The clerk of the court shall retain \$1 of each  
 51 surcharge that the clerk of the court collects as a service  
 52 charge of the clerk's office.

53 (a) The surcharge shall not be waived by the court.

54 (b) In the event that the individual has been ordered to  
 55 pay restitution in accordance with s. 775.089, the surcharge  
 56 shall be included in a judgment.

57 (13) The prosecutor may move the sentencing court to reduce  
 58 or suspend the sentence of any person who is convicted of a  
 59 violation of this section and who provides substantial  
 60 assistance in the identification, arrest, or conviction of any  
 61 of that person's accomplices, accessories, coconspirators, or  
 62 principals or of any other person engaged in fraudulent  
 63 possession or use of personal identification information. The  
 64 arresting agency shall be given an opportunity to be heard in  
 65 aggravation or mitigation in reference to any such motion. Upon  
 66 good cause shown, the motion may be filed and heard in camera.  
 67 The judge hearing the motion may reduce or suspend the sentence  
 68 if the judge finds that the defendant rendered such substantial  
 69 assistance.

70 (14)~~(12)~~ This section does not prohibit any lawfully  
 71 authorized investigative, protective, or intelligence activity  
 72 of a law enforcement agency of this state or any of its  
 73 political subdivisions, of any other state or its political  
 74 subdivisions, or of the Federal Government or its political  
 75 subdivisions.

76 Section 2. Section 817.5686, Florida Statutes, is created  
 77 to read:

78 817.5686 Identity Theft and Fraud Task Force.—

79 (1) FINDINGS.—The Legislature finds that there is a need to  
 80 develop and implement a strategy to address the investigation  
 81 and prosecution of the criminal use of personal identification  
 82 information in Palm Beach, Broward, and Miami-Dade counties.

83 (2) ESTABLISHMENT.—There is created the Identity Theft and  
 84 Fraud Task Force within the Department of Law Enforcement. The  
 85 purpose of the task force is to develop strategies and  
 86 techniques that will assist in the investigation and prosecution  
 87 of the criminal use of personal identification information in  
 88 Palm Beach, Broward, and Miami-Dade counties. The task force  
 89 shall dissolve on December 31, 2017.

90 (3) MEMBERSHIP.—The task force shall consist of the  
 91 following members or their designees:

92 (a) The Special Agent in Charge of the Miami Regional  
 93 Operation Center of the Department of Law Enforcement, who shall  
 94 serve as chair.

95 (b) The Sheriffs of Palm Beach and Broward Counties.

96 (c) The Police Chief from the Miami-Dade Police Department.

97 (d) The State Attorneys of the Eleventh Circuit, the  
 98 Fifteenth Circuit, and the Sixteenth Circuit.

99 (e) Six members appointed by the chair, consisting of two  
 100 chiefs of police from Palm Beach County, two chiefs of police  
 101 from Broward County, and two representatives from the Miami-Dade  
 102 Police Department.

103 (f) The Legislature finds that the task force serves a  
 104 legitimate state, county, and municipal purpose and that service

105 on the task force is consistent with a member's principal  
 106 service in public office or employment. Therefore, membership on  
 107 the task force does not disqualify a member from holding any  
 108 other public office or from being employed by a public entity.

109 (g) Members of the task force shall serve without  
 110 compensation but are entitled to reimbursement for per diem and  
 111 travel expenses in accordance with s. 112.061.

112 (h) The chair of the task force may appoint subcommittees  
 113 and subcommittee chairs as necessary in order to address issues  
 114 related to the task force. A subcommittee chair shall serve at  
 115 the pleasure of the chair.

116 (4) MEETINGS.—The task force shall organize by December 31,  
 117 2014. Thereafter, the task force shall meet at least four times  
 118 per year. Additional meetings may be held if the chair  
 119 determines that extraordinary circumstances require an  
 120 additional meeting. Members may appear at meetings by electronic  
 121 means. A majority of the members of the task force constitutes a  
 122 quorum. The Department of Law Enforcement shall provide  
 123 administrative and support services for the task force.

124 (5) DUTIES.—The task force shall coordinate efforts in Palm  
 125 Beach, Broward, and Miami-Dade to:

126 (a) Develop strategies and techniques that will assist in  
 127 the investigation and prosecution of the criminal use of  
 128 personal identification information;

129 (b) Incorporate other objectives reasonably related to the  
 130 goals of enhancing the investigation and prosecution of the

131 criminal use of personal identification information and a  
132 citizen's ability to prevent and detect identity theft and  
133 fraud.

134 (6) RULEMAKING.—The Department of Law Enforcement shall  
135 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
136 the requirements of this section.

137 (7) REPORT.—By December 1, 2017, the task force shall  
138 submit a report on its activities to the Governor, the President  
139 of the Senate, and the Speaker of the House of Representatives.  
140 The report shall include any recommendations on how to better  
141 investigate and prosecute the criminal use of personal  
142 identification information.

143 Section 3. This act shall take effect July 1, 2014.

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